

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

SHAWN M. SIMMS, :  
 :  
Plaintiff : CIVIL ACTION NO. 3:21-0321  
 :  
v. : (JUDGE MANNION)  
 :  
MORRIS L. HOUSER, *et al.*, :  
 :  
Defendants :

**ORDER**

In accordance with this Court's memorandum issued this same day, IT

**IS HEREBY ORDERED THAT:**

1. Defendants' motion to dismiss (Doc. 25) is **GRANTED** as to Plaintiff's PREA claims, and Plaintiff's Fourteenth Amendment Due Process claims with respect to misconduct challenges.
2. Defendants' motion to dismiss Plaintiff's Eighth Amendment failure to protect, Fourteenth Amendment Equal Protection and Intentional Infliction of Emotions Distress claims (Doc. 25) is **GRANTED** with leave to Plaintiff to file amended complaint regarding these claims.
3. Plaintiff shall file an amended complaint on or before December 20, 2021 that addresses the deficiencies outlined in the accompanying Memorandum.
4. Failure to file an amended complaint will result in dismissal of the above captioned action in its entirety.
5. Plaintiff's motion for Preliminary Injunction (Doc. 4) is **DENIED**.

6. Plaintiff's motion to file a supplemental complaint (Doc. 42) is **DENIED**.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**DATE: November 24, 2021**  
21-0321-01-ORDER